criminal designs to bribe a Housing Investigating Officer of the Singapore Improvement Trust, but who later, through getting alarmed or from some other cause, turned upon their former associates and gave information against them must be regarded as accomplices. With that decision I respectfully agree, but the position is not, of course, quite the same because in that case the two persons were clearly accomplices in the earlier stages of the transaction, whereas in the present one the taint, if taint there was, arose out of Ho Yoke Chee's previous history. The question is whether a person's previous record of participating in a particular sort of crime can in itself clothe him with the taint of the accomplice when in a subsequent transaction involving a crime of the same sort he acts throughout simply as an "agent provocateur". The leading case of *R. v. Mullins*[2] cited on behalf of the appellant does not in my view go as far as this. Nor can I find in the legal dictionaries any suggestion that the character of accomplice can be acquired through some source independent of the transaction in respect of which the issue is raised. For these reasons I think the learned District Judge was right.

A Court should naturally scrutinise closely on general grounds of reliability the credibility of a witness who has admitted to previous criminal activities of the same kind as he now comes forward to testify about in the capacity of the agent of the law. And the more recent the previous criminal activities the more careful, no doubt, the scrutiny should be. I am satisfied, however, the District Judge did not overlook this aspect of the case.

Again, being of the opinion the District Judge directed himself correctly up to this point, I see no reason on the evidence to hold his rejection of the defence story unreasonable.

Finally it cannot be said, in my view, that the sentence was excessive when one considers the appellant's position, and that the offence he was willing to be bribed to countenance was, at that time at least, seriously prevalent.

Accordingly the appeal is dismissed.

Appeal dismissed.

Solicitors for the appellant: *Sisson & Delay.*

LAI SIN CHONG v. PUBLIC PROSECUTOR

[A. Cr. J. (Buhagiar J.) March 16, 1956]

[K.L. — Criminal Appeal No. 8 of 1956]

Motor Vehicles (Registration and Licensing) Regulations, 1954 — Motor Vehicles Third Party Risks Regulations — Whether registered owner can be charged with using a car.

This was an appeal against the conviction of the appellant on the following charges: (a) for using a motor car for the carriage of goods when such motor car was not licensed for such use, an offence punishable under regulation 19(2) of the Motor Vehicles (Registration and Licensing) Regulations, 1954 and (b) for using the same vehicle without there being in force a third party insurance policy, an offence against the provisions of regulation 3(1) of the Motor Vehicles Third Party Risks Regulations and punishable under regulation 3(2) of the same Regulations.

The appellant was the registered owner of the car. The evidence showed that he had sold the car to one Yap Teck Ming who after paying the first instalment acquired possession of the car and was using it for his purpose. The car at the time of the commission of the alleged offences was used by the said Yap Teck Ming.

Held: on the facts of the case the appellant was not using the car at the time and therefore the convictions must be quashed.

MAGISTRATE'S CRIMINAL APPEAL.

K. Chelvanayagam for the appellant.

J. G. Adams (Federal Counsel) for the respondent.

Buhagiar J. : — The appellant was charged :—

(a) with using a motor-car for the carriage of goods when such motor-car was not licensed for such use, an offence punishable under Regulation 19(2) of the Motor Vehicles (Registration and Licensing) Regulations, 1954 (L.N. No. 686 of 1954); and

(b) with using the same vehicle without there being in force a third party risks insurance policy, an offence against the provisions of regulation 3(1) of the Motor Vehicles Third Party Risks Regulations and punishable under regulation 3(2) of the same Regulations.

He was found guilty and convicted.

On appeal the learned Public Prosecutor informed the Court that he could not support the conviction. I agreed that the conviction could not stand firstly because the appellant was not "using" the car at the time, it was being used by one Yap Teck Ming, and secondly because the provisions of law under which the two charges were based do not affect necessarily the "registered owner" of the vehicle but "any person". The registered owner of a vehicle may be affected by those provisions of law if he uses the vehicle himself or causes or allows or permits the vehicle to be used by somebody else in contravention of the law. In this case it cannot be said that the appellant was using the car through Yap Teck Ming, because the latter was not the appellant's servant or agent; there was evidence that the appellant had sold the car to Yap Teck Ming who after paying the first instalment acquired possession of the car and was using it for his purpose.

I, therefore, allowed the appeal, set aside the order made by the learned Magistrate and ordered that the fine paid be refunded to the appellant.

Appeal allowed.